

Health and Human Services

PUBLIC 514 **An Act To Refine the Criteria for Issuing a Certificate of Need** **LD 159**
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER DUGAY	OTP-AM	S-363

Public Law 2003, chapter 514 requires applications for certificates of need to be judged in reference to the state health plan, data from the Maine Health Data Organization and other information available to the Commissioner of Human Services. It requires that particular weight be given to information that the proposed health care services are innovations in high quality health care delivery and that the facility proposing the new health services is designed to provide excellent quality health care. It permits the Department of Human Services to approve a nursing facility project if the project has been recommended for conditional approval prior to February 15, 2004, complies with other state rules and federal regulations and the project demonstrates cost-neutrality using savings obtained from the purchase of beds from the Maine Health and Higher Education Facilities Authority and approved by the Department of Human Services. The law directs the Department of Human Services to report to the Joint Standing Committee on Health and Human Services regarding funding nursing facility projects under the Maine Revised Statutes, Title 22, section 334.

Public Law 2003, chapter 514 was enacted as an emergency measure effective on February 11, 2004.

PUBLIC 546 **An Act Regarding Standard Contracts for Assisted Living Services** **LD 1563**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE WESTON	OTP	

Public Law 2003, chapter 546 provides that a contract or agreement for assisted living services must contain the provisions designated as required in the standardized contract adopted by the Department of Human Services by rule pursuant to Public Law 1999, chapter 731, Part BBBB, section 5 and may contain other provisions that do not violate a state law or rule or federal law or regulation.

PUBLIC 548 **An Act To Revise the Frequency of Home Health Licensing Surveys** **LD 1772**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL EDMONDS	OTP	

Health and Human Services

Public Law 2003, chapter 548 allows home health care providers to be licensed on a biennial basis. It directs the Department of Human Services to adopt rules regarding terms of licenses. The law also repeals an obsolete provision of law providing for the staggering of terms of licenses during the 2-year period commencing July 1, 1984.

PUBLIC 561 An Act To Obtain Substance Abuse Services for Youth in Need of LD 611 Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	OTP-AM	S-400

Public Law 2003, chapter 561 amends the definition of "youth in need of services" to include in the definition a child who is abusing alcohol or drugs and is at risk of serious harm as a result. The law requires the Department of Human Services to include in its annual report on youth in need of services information on the number and characteristics of youth who refuse services and to share that information with the Department of Behavioral and Developmental Services, Office of Substance Abuse. The law requires the Office of Substance Abuse to increase training for substance abuse services providers and Youth in Need of Services Program providers in methods to engage reluctant youth; to create incentives for providers to increase recruitment and retention of reluctant adolescent clients; to provide information to help providers increase services for parents of adolescent clients; to conduct outreach and education to help parents of children who are abusing drugs to locate resources; and to report by October 1, 2004 to the Joint Standing Committee on Health and Human Services.

PUBLIC 563 An Act To Provide an Exemption to the Laws Governing Patient LD 1642 Confidentiality Regarding Certain Former Patients of the State Mental Institutions

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM	H-719

Public Law 2003, chapter 563 provides an exception to the laws governing patient confidentiality to allow the names and date of death of patients who have died at the Augusta Mental Health Institute, Bangor Mental Health Institute and the Riverview Psychiatric Center to be made available to the public. The law requires the Department of Behavioral and Developmental Services to adopt rules to govern the release of information regarding patients who have died at the above-named institutions. It also requires the department to notify the public about the release of information and to maintain the confidentiality of information relating to a person whose surviving relatives object to public disclosure.

PUBLIC 564 An Act To Clarify the Requirements of the Behavioral Treatment LD 1739

Health and Human Services

and Safety Device Review Teams for Persons with Mental Retardation or Autism

<u>Sponsor(s)</u> O'BRIEN J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-720
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Public Law 2003, chapter 564 establishes a review team and requirements for prior approval of a behavioral treatment program involving the use of aversive or severely intrusive techniques for a child under 18 years of age with mental retardation or autism and for prior approval of the use of safety devices for a child under 18 years of age with mental retardation or autism.

PUBLIC 576 An Act To Amend the Membership of the Children's Cabinet LD 1829

<u>Sponsor(s)</u> KANE BRENNAN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2003, chapter 576 expands the Children's Cabinet to include the Commissioner of Labor and, at the discretion of the Governor, a member of the public appointed by the Governor.

PUBLIC 581 An Act To Improve Awareness of Meningococcal Disease LD 1685

<u>Sponsor(s)</u> BRYANT PATRICK	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-418
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Public Law 2003, chapter 581 requires each public or private postsecondary educational institution with a residential campus to provide information on meningococcal disease and the meningococcal vaccine to each newly entering student who plans to live on the residential campus. The law requires that the information regarding the disease and vaccine include a statement directing the student to share the information with parents or guardians. The law also requires the joint standing committee of the Legislature having jurisdiction over health and human services matters to review this initiative in 2008 and authorizes the committee to report out legislation following its review.

PUBLIC 585 An Act To Provide Accurate Vital Records for Adults in Maine LD 1640

Health and Human Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO	OTP-AM	H-739

Public Law 2003, chapter 585 authorizes the State Registrar of Vital Statistics to amend a birth certificate to include identification of a biological parent whose parentage is based on the results of DNA testing. The law specifies that this authorization applies only to the birth certificates of persons 18 years of age or older. The law specifies the following requirements for obtaining an amended birth certificate: notarized written consent of the biological parent and the subject of the birth certificate; notarized DNA testing results; notarized documentation of the chain of custody of the samples used in DNA testing; and DNA testing of a type generally acknowledged as reliable conducted by a laboratory approved by a federally designated accreditation body.

PUBLIC 602	An Act To Clarify Departmental Reporting Requirements for Developmental Disability Prevention Activities	LD 1940
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

Public Law 2003, chapter 602, implements the recommendations of the Maine Developmental Disabilities Council regarding prevention of developmental disabilities. The law amends the reporting requirements for the Department of Human Services, the Department of Behavioral and Developmental Services and the Department of Education relating to the prevention of developmental disabilities and clarifies the scope of the annual report. The law enacts definitions of developmental disabilities and mental and physical impairments for the purposes of reporting requirements, and it prohibits the definitions and reporting requirements from expanding or otherwise affecting the requirements of the Department of Behavioral and Developmental Services to provide services to children and families.

PUBLIC 611	An Act To Amend the Medicaid Drug Rebate Program and the Elderly Low-cost Drug Program	LD 1747
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM	H-778

Public Law 2003, chapter 611 makes changes to the Medicaid drug rebate program and to the elderly low-cost drug program to clarify the out-of-pocket cost to participating members and adds \$2 to the recipient's copayment in the catastrophic program.

Health and Human Services

PUBLIC 612 **An Act To Amend the Rule-making Authority of the Department of LD 1748**
EMERGENCY **Human Services to Ensure Cost-effective Operation of State**
 Medical Services Programs and Compliance with Federal
 Requirements

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM	H-777

Public Law 2003, chapter 612 provides authority for 2 bureaus in the Department of Human Services, the Bureau of Medical Services and the Bureau of Family Independence, to adopt rules having retroactive application in certain specific circumstances for a period up to 8 calendar quarters. The Bureau of Medical Services may do so to maximize available federal revenue sources through the federal Medicaid program or to conform to the state Medicaid plan. Both bureaus may make retroactive rules regarding the MaineCare, Temporary Assistance for Needy Families and food stamp programs to comply with federal regulations and to conform to the state plan as filed with the Federal Government. The rules may not reduce or otherwise negatively affect reimbursement or other payments to providers that they are entitled to receive under previously applicable rules. Reimbursement or payment under the new rules must be equal to or greater than reimbursement under the old rules. The rules may not reduce or otherwise negatively affect reimbursement or other payments, benefits or services that beneficiaries are entitled to have covered or paid under the old rules. Reimbursement or other payments, benefits or services under the amended rules must be equal to or greater than under the prior rules. The law requires legislative approval for retroactive application of any rule that has an adverse financial impact on any MaineCare provider or member, Temporary Assistance for Needy Families program or food stamp recipient or beneficiary or recipient of any other program administered by the department. The law designates the rules as routine technical rules unless the underlying statutory authority for the rule already designates the rule as a major substantive rule. The law requires the department to report on implementation and the effect of implementation by January 15, 2005 and 2006. Under the law, the authority to adopt rules having a retroactive application is repealed on July 1, 2006.

Public Law 2003, chapter 612 was enacted as an emergency measure effective April 9, 2004.

PUBLIC 613 **An Act To Ensure Compliance with Federal Medicaid** **LD 1695**
 Requirements

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT CRAVEN	OTP-AM	S-433

Public Law 2003, chapter 613 clarifies that for purposes of recovering overpayments to providers under the MaineCare program, overpayments do not include overestimates made as part of prospective interim payments, 3rd-party liability recovery, departmental administrative error or receivership fees or debt. The law also clarifies that if the Department of Human Services proves that records of goods or services are defective, it may impose a penalty or sanction, which may include total recoupment. The law defines "overpayment" and adds an exclusion for certain routine adjustments of \$2,500 or less. The law clarifies the use of existing and available records, limits the application of total recoupment and limits proof that services or goods were actually provided

Health and Human Services

to situations in which the provider has proven by a preponderance of the evidence that the goods or services were medically necessary, MaineCare-covered goods or services. The law corrects an error in current law that pertains to the Department of Human Services' terminating or suspending the participation of a provider in the MaineCare program.

PUBLIC 621 An Act To Strengthen the Maine Certificate of Need Act of 2002 LD 584

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	H-816

Public Law 2003, chapter 621 extends the exemption from certificate of need applicable to critical access hospitals converting swing beds to hospitals in the process of becoming critical access hospitals and clarifies that the exemption applies to licensed acute care beds.

PUBLIC 623 An Act To Prohibit the Sale of Water Containing Nicotine LD 1631

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM MAJ	S-436
KOFFMAN	OTP-AM MIN	

Public Law 2003, chapter 623 prohibits selling, furnishing or giving away nicotine water, which is water with added nicotine or an alkaloid of nicotine. It specifies fines of \$500 for a first offense, \$1,000 for a second offense and \$5,000 for a third or subsequent offense.

PUBLIC 626 An Act To Ensure Appropriate Care and Custody of Children LD 1706

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	OTP-AM	S-466
CRAVEN		

Public Law 2003, chapter 626 authorizes the Department of Human Services to provide short-term emergency services to children in the event of certain homicides and requires the department to perform emergency assessments for temporary placements in those situations. The law directs the Office of the Attorney General to develop protocols for law enforcement for notification to the Department of Human Services, Bureau of Child and Family Services. The law directs the Department of Public Safety to develop a plan for providing criminal history record information and protection from abuse order information to the bureau when the bureau is performing an emergency assessment under the Maine Revised Statutes, Title 22, section 4023, subsection 8.

Health and Human Services

PUBLIC 634 An Act To Improve Quality and Safety in Long-term Care LD 1753

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS	OTP-AM	H-817

Public Law 2003, chapter 634 requires personal care agencies, home health care providers and adult day care programs to obtain criminal history record information about applicants for positions as unlicensed assistive personnel and prohibits these entities from hiring individuals who have worked as certified nursing assistants and have been the subject of a complaint of abuse, neglect or misappropriation of property that has been substantiated by the state survey agency or who have been convicted of certain crimes. It prohibits licensed assisted housing programs from hiring as unlicensed assistive personnel persons who are prohibited from employment as certified nursing assistants under the Maine Revised Statutes, Title 22, section 1812-G, subsections 6 and 7. It provides penalties for a personal care agency that violates the employment requirements contained in the amendment. The law makes 3 corrections to long-term care facility law to update language on assisted living programs and residential care facilities. It directs the Long-term Care Oversight Committee to report by March 1, 2005 to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding conducting criminal history record checks for direct care workers and the establishment of a registry.

PUBLIC 649 An Act to Require that Patients in Private Mental Hospitals Be LD 156
EMERGENCY Afforded the Same Rights As Patients in State Mental Institutions

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT R	OTP-AM	S-482

Public Law 2003, chapter 649, requires the Commissioner of Human Services to adopt routine technical rules by August 1, 2004 to protect the rights of adult patients receiving mental health services in hospitals that are nonstate mental health institutions and are not subject to the grievance procedures of the Department of Behavioral and Developmental Services. It requires the Commissioner to hold a public hearing before adopting the rules. The law also requires that the rights protected under the rules be consistent with the rights of recipients of mental health services that are applicable in other settings, including the same opportunity for hearing and type of hearing that is provided under Department of Behavioral and Developmental Services rules. The law provides for delegation of authority for hearing grievances from the Department of Human Services to the Department of Behavioral and Developmental Services and designates the decision of the Department of Behavioral and Developmental Services as final agency action for purposes of appeal to court.

Public Law 2003, chapter 649 was enacted as an emergency effective April 22, 2004.

Health and Human Services

PUBLIC 659 An Act To Strengthen the Enforcement Provisions of the Maine Health Data Organization LD 1884

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	OTP-AM MAJ	S-475
EARLE	ONTP MIN	

Public Law 2003, chapter 659 strengthens the enforcement provisions of the Maine Health Data Organization statutes that are outdated or inconsistent with other sections of the Maine Revised Statutes, Title 22, chapter 1683. The law provides that persons who intentionally or knowingly engage in the unauthorized misuse of individually identifiable health information or data obtained from the organization are subject to civil fines up to \$250,000, an amount that is consistent with the provisions of the federal Health Insurance Portability and Accountability Act of 1996 for the knowing wrongful disclosure of individually identifiable health information. The law allows the organization to refer failures to comply with the requirements of the chapter to the appropriate department or licensing board or to the Department of Professional and Financial Regulation, Bureau of Insurance or to file a complaint in Superior Court. The amendment allows the Attorney General to pursue injunctions or other appropriate remedies for violations of the chapter.

PUBLIC 667 An Act To Ensure Disclosure of Prescription Drug Prices LD 1890

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ	S-496
LEMOINE	ONTP MIN	

Public Law 2003, chapter 667 requires that drug manufacturers of prescription drugs dispensed in the State under a health program directed or administered by the State report and certify to the Department of Human Services, for each of their drugs, the actual average wholesale price, the wholesale acquisition cost, the average manufacturer price and the best price as defined by federal law.

The law contains confidentiality language that prohibits disclosure of information by the department, with exceptions for certain court-related situations. The law provides for enforcement under the Maine Unfair Trade Practices Act. The law prohibits the use of General Fund funds. The law contains an effective date that is 30 days after the Commissioner of Human Services receives notice from the Attorney General that funds are available for the implementation of these provisions, except that the provisions may not take effect before January 1, 2005.

PUBLIC 679 An Act To Encourage the Proper Disposal of Unused Pharmaceuticals LD 1826

Health and Human Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM MAJ	S-474
LEMOINE	ONTP MIN	S-506 BRENNAN

Public Law 2003, chapter 679 creates the Unused Pharmaceutical Disposal Program, administered by the Maine Drug Enforcement Agency, to provide for the safe, effective and proper disposal of unused or expired prescription drugs. The program involves the use of prepaid mailers to be made available and used by the public to mail unused or expired prescription drugs to a single collection location. The drugs received may be handled only by agency officers and must be disposed of in a manner that ensures the safety of the public and the environment. The director of the Maine Drug Enforcement Agency is authorized to accept funding from private sources to carry out the purposes of the program. The law prohibits the use of public funding for the program or for the Maine Drug Return Implementation Group.

The law allows the Maine Drug Enforcement Agency to randomly assess materials received under the program. The law deems return of pharmaceuticals under the program to be for law enforcement purposes. The law establishes the Maine Drug Return Implementation Group to study and make recommendations on implementation of the program and provides for membership of the implementation group. The law authorizes the joint standing committee of the Legislature having jurisdiction over health and human services matters to report out legislation to the First Regular Session of the 122nd Legislature. The law takes effect on July 1, 2005.

PUBLIC 684 An Act To Make Principles of Reimbursement for Intermediate LD 1681 Care Facilities for the Mentally Retarded Major Substantive Rules

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM A	H-811 KANE
DUDLEY	OTP-AM B	S-434
	ONTP C	

Public Law 2003, chapter 684 designates MaineCare rules regarding principles of reimbursement for intermediate care facilities for persons with mental retardation as major substantive rules.

PUBLIC 689 An Act To Establish the Department of Health and Human Services LD 1913 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE	OTP-AM	H-890
MARTIN		

Health and Human Services

Public Law 2003, chapter 689 reorganizes the delivery of services to adults, children and families by the Department of Human Services and the Department of Behavioral and Developmental Services, establishing the new Department of Health and Human Services. The goals of the reorganization are to improve services, increase programs and fiscal efficiency and improve relations with consumers and community organizations.

1. The law establishes the Department of Health and Human Services. The department assumes the duties of the current Department of Human Services and the Department of Behavioral and Developmental Services.
2. The law contains a statement of mission for the department and the programs and services provided by the department and adds guiding principles for the department, drawing those principles from the "Report of the Advisory Council for the Reorganization and Unification of the Department of Human Services and the Department of Behavioral and Developmental Services."
3. The law sets forth qualification requirements for bureau directors and delays the adoption of a bureau structure until one is approved by the Legislature.
4. The law contains provisions for the orderly transition from the Department of Human Services and the Department of Behavioral and Developmental Services to the new Department of Health and Human Services.
5. The law transfers the Commissioner of Human Services to the position of Commissioner of Health and Human Services without need of appointment or confirmation and adds a statement of legislative intent to this provision.
6. The law contains a provision regarding the rights of employees of the new department who were employees of the Department of Human Services and the Department of Behavioral and Developmental Services.
7. The law requires the commissioner to consolidate certain administrative components of the Department of Health and Human Services, including auditing, financial management, human resources and information technology.
8. The law requires the Commissioner of Health and Human Services to consolidate adult protective functions, but delays the consolidation of guardianship and conservatorship functions.
9. The law requires the Commissioner of Health and Human Services to submit a report with recommendations and legislation by January 31, 2005 to the joint standing committee of the Legislature having jurisdiction over health and human services matters. It requires the report to include recommendations on the following issues related to the establishment and implementation of the new department: bureau structure, administrative structure and functions, program and service delivery functions, advisory boards and the child welfare ombudsman program. The law requires the commissioner to convene working groups of consumers, providers, advocates and members of the public to advise the commissioner on these issues. The law authorizes the committee to report out legislation to the 122nd Legislature following review of the commissioner's report and recommendations.

Health and Human Services

10. The law requires the Commissioner of Health and Human Services to review and report on the delivery of child development services and juvenile justice services.
11. The law provides for interpretation of conflicting laws and rules by the Commissioner of Health and Human Services and adoption of rules to settle those conflicts.
12. The law requires the joint standing committee of the Legislature having jurisdiction over health and human services matters and the Commissioner of Health and Human Services to agree on a format and organization of the Maine Revised Statutes, Title 22-A by November 30, 2005 and submit necessary legislation by November 30, 2006.
13. The law authorizes the joint standing committee of the Legislature having jurisdiction over health and human services matters to meet at least 3 times during the 2004 legislative interim to review planning and implementation issues and authorizes the committee to report out legislation to the First Regular Session of the 122nd Legislature.
14. The law establishes salary ranges for the Commissioner of Health and Human Services and the Director of the Bureau of Medical Services within the Department of Human Services.

Public Law 2003, chapter 689 was enacted as an emergency effective July 1, 2004.

RESOLVE 107 Resolve, To Allow MaineCare Reimbursement for Licensed LD 175
Marriage and Family Therapists To Provide Services to Child
Protective Services Clients and Adult Protective Services Clients

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK	OTP-AM	H-675
BRYANT		

Resolve 2003, chapter 107 requires the Department of Human Services to amend its MaineCare rules to allow licensed marriage and family therapists to provide assessment, counseling and therapeutic services to children or adults referred by the Bureau of Child and Family Services or the Bureau of Elder and Adult Services. The resolve requires the Department of Human Services to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 31, 2005 regarding the implementation and initial impact of this rule change.

RESOLVE 109 Resolve, Directing the Department of Human Services To Adopt LD 1341
EMERGENCY Rules To Reduce Regulatory Burdens on Home Health Agencies
while Maintaining Budget Neutrality

Health and Human Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE EDMONDS	OTP-AM	H-695

Resolve 2003, chapter 109 directs the Department of Human Services to adopt rules regarding medical assessment for home health care services under Rule Chapter 101, the MaineCare Benefits Manual, Ch. II - Section 40. The rules may move the initial assessment period from no less than 60 days to no more than 120 days. The resulting rule must be cost neutral. The law requires a report by April 1, 2005 to the Health and Human Services Committee.

RESOLVE 113 Resolve, To Promote Recruitment and Retention of Direct Care LD 1090 Workers in Long-term Care in Maine

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS LAVERRIERE-BOUC	OTP-AM	H-743 KANE S-402

Resolve 2003, chapter 113 requires continuing work on the recruitment and retention of direct care workers and provides for a report by January 15, 2005 to the joint standing committee of the Legislature having jurisdiction over health and human services matters. It authorizes the joint standing committee to report legislation to the First Regular Session of the 122nd Legislature.

RESOLVE 116 Resolve, To Establish a Committee To Examine Issues Relating to LD 1066 the Administration of Municipal General Assistance

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY BRENNAN	OTP-AM	H-738

Resolve 2003, chapter 116 requires the Department of Human Services to convene a general assistance committee composed of persons interested in the administration of municipal general assistance. The resolve directs the committee to make policy recommendations regarding general assistance and to report its final recommendations to the joint standing committee of the Legislature having jurisdiction over human services matters by January 15, 2006. The resolve also authorizes the joint standing committee to report out legislation to the Second Regular Session of the 122nd Legislature based on the report of the general assistance committee.

Health and Human Services

RESOLVE 118 Resolve, To Improve the Quality of Health Care

LD 616

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP-AM MAJ	S-427
RICHARDSON J	ONTP MIN	

Resolve 2003, chapter 118 directs the Maine Quality Forum Advisory Council to review direct-care registered nurse staffing levels in general, acute and specialty care hospitals, the issue of minimum staffing ratios for direct-care registered nurses in hospitals and the rules of the Department of Human Services on direct-care registered nurse staffing. The council is directed to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on its review under this section and any recommendations from the council by January 15, 2005.

RESOLVE 134 Resolve, Regarding Legislative Review of Portions of Chapter 16: LD 1830
Foster Home Licensing Rule Regarding Smoking by Foster Parents,
a Major Substantive Rule of the Department of Human Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-798
		S-493 BRENNAN

Resolve 2003, chapter 134 completes the legislative review of portions of Chapter 16: Foster Home Licensing Rule Regarding Smoking by Foster Parents, a major substantive rule of the Department of Human Services.

This resolve changes the 24-hour time periods in the proposed rule to 12-hour time periods and removes the emergency preamble and clause.

RESOLVE 135 Resolve, Regarding Legislative Review of Chapter 101: MaineCare LD 1867
EMERGENCY Benefits Manual, Chapter III, Section 97, Private Non-medical
Institution Services, a Major Substantive Rule of the Department of
Human Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-882

Resolve 2003, chapter 135 completes the legislative review of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a major substantive rule of the Department of Human Services.

Health and Human Services

This resolve approves the major substantive rules submitted regarding MaineCare rates for private nonmedical institutions provided those rules are amended to use a 25-cent per resident per day rate reduction in the facility-specific routine component of the room-and-board portion of the payment in place of the reduced reimbursement, based on application of a bed-hold day decrease, that had been proposed. The resolve requires wording used to refer to reimbursement related to foreign exchange fellows of professional exchange programs for social workers to be changed: "stipend" is changed to "contract fee."

The resolve requires the Department of Human Services to adopt emergency rules to implement the rules as approved by the Legislature.

Resolve 2003, chapter 116 was enacted as an emergency measure effective April 22, 2004.